

Appl. No. 10/719,259
Docket No. 9437Q
Amdt. dated 20 December 2006
Reply to Office Action mailed on September 25, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1-3, 5-13 and 15-19 are pending in the present application. No additional claims fee is believed to be due. Applicants' attorney would like to thank the Examiner for the telephonic interview on 20 December 2006, during which the 35 U.S.C. §112 rejection was discussed.

Claims 1 and 10 have been amended to add the language, "wherein the multiple widths have a stepped transition." Support for this amendment is in the Specification on Page 7, Lines 21-22.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. §112

Claims 1-19 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. On 20 December 2006 during a telephonic interview Applicants' attorney discussed the 35 U.S.C. §112 rejection with the Examiner. It was decided that an amendment to the claims would not be required in the present response, and that the Examiner would reconsider the 35 U.S.C. §112 rejection.

Rejection Under 35 U.S.C. §102 Over Child et al. (U.S. 6,283,952)

Claims 1, 2, 6-11 and 16-19 have been rejected under 35 U.S.C. §102(b) as being anticipated by Child et al.

With respect to the novelty of claims 1, 2, 6-11 and 16-19: Applicants respectfully traverse the rejection. It was stated in the Office Action that because of the tapered shape of the proximal end 12 of the tampon and because the indentation extends along substantially the entire length of said tampon, the first surfaces defined by the indentations tend toward adjacent first surfaces, thus adjacent proximal vertices are closer

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together than the respective distal vertices, i.e. the width defined between the adjacent proximal vertices is less than the width defined between the respective adjacent distal vertices, thus, along the tampon there are multiple widths between vertices and adjacent first surfaces. (Office Action Page 3, First Full Paragraph)

Claims 1 and 10 have been amended to read, "wherein the multiple widths have a stepped transition." Support for this amendment is found in the Specification on Page 7, Lines 21-22, wherein it is stated, "As seen in FIG. 3, the width as measured between a first distal vertex 41 and a second distal vertex 41 may have a stepped transition." In the stepped transition as illustrated in FIG. 3 the width between the first distal vertex and the second distal vertex can increase along the length of the tampon and can then decrease. In contrast, as shown in FIG. 1 and 2 of Child et al., the indentations in the tampon become either narrower or wider along the length of the tampon, but not both in a single indentation.

Accordingly, the Applicants respectfully submit that claims 1, 2, 6-11 and 16-19 are novel over Child et al. and the rejection should be withdrawn.

Rejection Under 35 U.S.C. §103 Over Child et al. (U.S. 6,283,952) in view of
Schoelling (U.S. 2002/0151859)

Claims 3, 5 and 12-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Child et al. in view of Schoelling.

With respect to claims 3, 5, and 12, 13, and 15 and obviousness: Applicants respectfully traverse the rejection. Claims 1 and 10 have been amended to read, "wherein the multiple widths have a stepped transition." Support for this amendment is found in the Specification on Page 7, Lines 21-22, wherein it is stated, "As seen in FIG. 3, the width as measured between a first distal vertex 41 and a second distal vertex 41 may have a stepped transition." In the stepped transition as illustrated in FIG. 3 the width between the first distal vertex and the second distal vertex can increase along the length of the tampon and can then decrease. In contrast, as shown in FIG. 1 and 2 of Child et al., the indentations in the tampon become either narrower or wider along the length of the tampon, but not both in a single indentation. Further, Schoelling does not disclose a

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tampon wherein along the length of the tampon there are multiple widths between a first and second distal vertex.

Accordingly, Applicants submit that claims 3, 5 and 12, 13 and 15 are not obvious in view of Child et al. and Schoelling.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §102, §103 and §112. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-3, 5-13 and 15-19 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 
Signature

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Customer No. 27752

James E. Oehlenschlaeger
Registration No. 50,164
(513) 634-3447